

Malibu City Council **Regular Meeting Agenda**

Monday, May 14, 2001

6:30 P.M. - REGULAR CITY COUNCIL MEETING

HRL Auditorium
3011 Malibu Canyon Road

Six-thirty p.m. **Regular Session**

Public Hearings will begin at 6:30 p.m., or as soon thereafter as possible, but in no event later than 7:30 p.m.

Call to Order - Mayor

Roll Call - Recording Secretary

Pledge of Allegiance

Closed Session Report

Approval of Agenda

Report on Posting of Agenda - May 4, 2001

1. Ceremonial/Presentations

- A. Presentation of Malibu Tile to Retiring Captain John O'Brien, Los Angeles County Sheriff's Department
- B. Proclamation Declaring "National Public Works Week"
- C. Presentation by Los Angeles County Sheriff's Department to City Staff acknowledging City Staff's participation in the Baker to Vegas Run (Lt. Bradstock)
- D. Presentation by the citizen's group (bond committee) regarding their progress
- E. Proclamation Declaring May 2001 "Older Americans Month"

2. Written and Oral Communications from the Public

- A. Communications from the Public concerning matters which are not on the agenda but for which the City Council has subject matter jurisdiction. City Council may not act on these matters except to refer the matters to staff or schedule the matters for a future agenda.
- B. City Council Subcommittee reports/Mayor and Councilmember reports and inquiries.

3. Consent Calendar

A. Previously Discussed Items

None.

B. New Items

1. Waive further reading

Staff recommendation: After the City Attorney has read the title, waive full reading of ordinances considered on this agenda for introduction on first reading and/or second reading and adoption.

Staff contact: City Attorney Amerikaner 456-2489 ext. 266

2. Approve warrants

Staff recommendation: To allow and approve warrant demand numbers 16440 through 16603 listed on the attached register from the General Fund and direct the City Treasurer to pay out the funds to each of the claimants listed in Warrant Register No. 232 & 233 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands, including payroll checks in a total amount of \$998,888.89.

Staff contact: Administrative Services Director James 456-2489 ext. 224

3. Approval of Minutes

Staff recommendation: Approve minutes of April 9, 2001 Regular City Council meeting.

Staff contact: Interim City Clerk Pope 456-2489 ext. 228

4. Authorization of Contribution Agreement between the City and the State of California

Staff recommendation: Authorize the City Manager to execute agreement with State to receive \$40,000 as reimbursement for construction of storm drain box cover at Cross Creek Road and Pacific Coast Highway.

Staff contact: City Engineer Morgan 456-2489 ext. 247

5. Approval of Tract Map 46692 (Layman - Portshead Road)

Staff recommendation: Approval of Final Map.

The City conditionally approved a subdivision map to divide 3.64 acres into six single family lots (which replaced the proposed 28-unit condominium approved by the County prior to the City's incorporation). Under State law, the City Council has a ministerial duty to approve the final map if it complies with the conditions of the tentative map.

Staff contact: City Engineer Morgan 456-2489 ext. 247

6. Re-affirm the State of Local Emergency Declared by the Director of Emergency Services on March 9, 2001 relating to the Landslide Road Failure at Corral Canyon

Staff recommendation: Re-affirm the State of Local Emergency by minute order.

As a result of the rainstorms in early March, landslides impaired Corral Canyon Road, forcing its partial closure and creating a condition dangerous to the public health and safety. This action would extend the state of local emergency declared as the City responds to the situation and attempts to repair the area.

Staff contact: Public Works Director Bergson 456-2489 ext. 225

7. Extension of Deadline for Solicitation of Applications for both the Malibu Emergency Executive Standby Officers and the Malibu Trails Master Plan Advisory Committee

Staff recommendation: Extend deadline.

Staff contact: Interim City Clerk Pope 456-2489 ext. 228

At the City Council's direction, the City has posted vacancies on the Trails Committee and to serve as Standby Officers. This item will extend the deadline to submit applications, direct that the notices be republished and leave the positions open until filled.

8. Confirmation of Council Subcommittees (Mayor House)

Recommendation: Confirm current Councilmembers assigned to Council Subcommittees.

9. Renewal of Animal Control Contract

Staff recommendation: Renew Contract with Los Angeles County for Animal Control Services for a period of five (5) years through June, 2006.

Staff contact: Administrative Services Director James 456-2489 ext. 224

10. Resolution upholding decision to deny a project for a new single family residence based on view blockage of the Santa Monica Mountains to the upslope residence located at 27410 Calicut Road, and the unnecessary construction of a retaining wall on slopes in excess of 2 ½ :1

Staff recommendation: Adopt Resolutions No. 01-14 (A-E) upholding the appeal and denying the applications.

Staff contact: Planning Director Hogan 456-2489 ext. 234

11. Resolution of Intention to Initiate a General Plan Amendment to the Land Use Element

Staff recommendation: Adopt Resolution No. 01-20 initiating a general plan amendment regarding slope/density formula for rural residential property.

Staff contact: Planning Director Hogan 456-2489 ext. 234

4. **Ordinances and Public Hearings**

This portion of the agenda is for ordinances and for advertised hearing items where formal public testimony on each item is received prior to City Council action; the public hearings will begin at 6:30 p.m., or as soon thereafter as possible, but in no event later than 7:30 p.m.

A. Zone Text Amendment 01-001 & Negative Declaration 01-002 - A proposal to amend Section 9.3.03.A19 of the Residential Development Standards of the Malibu Municipal Code regarding Home Occupations

Staff recommendation: Introduce on first reading Ordinance No. 222, adopting Negative Declaration 01-002 and Zone Text Amendment 01-001 and approving the zone text amendment.

Staff contact: Planning Director Hogan 456-2489 ext. 234

This item amends the City's regulations relating to Home Occupations. Under the proposed ordinance no permit is required for home occupations involving less than six employees or students and which meet certain requirements.

- B. Appeal No. 01-002 - An Appeal of the Planning Commission's decision (Planning Commission Resolution No. 00-046 (A-F)) to deny a project for a new single-family residence at 32804 Pacific Coast Highway based on view blockage of the Pacific Ocean to a neighboring residence(Kempin).

Staff recommendation: Adopt Resolutions No. 01-15 (A-F) overturning the Planning Commission's decision and approving Appeal No. 01-002.

Staff contact: Planning Director Hogan 456-2489 ext. 234

This is an appeal from a decision of the Planning Commission. The Commission denied an application for approval of an increase in height and variance from certain setback requirements. The applicant has made some adjustments to the proposal and appeals the Commission's denial.

5. **Old Business**

- A. Proposed Flood Mitigation Plan

Staff recommendation: Adopt the Flood Mitigation Plan.

Staff contact: Public Works Director Bergson 456-2489 ext. 225

This item culminates an extensive public process to prepare the City's Flood Mitigation Plan. It is before the Council for final adoption.

- B. Vantage Point Terrace Hill Subsurface Water Monitors

Staff recommendation: Decline request.

Staff contact: Public Works Director Bergson 456-2489 ext. 225

- C. Proposed Development Agreement with Crummer Trust relating to approximately 24 acres located adjacent to Bluffs Park (Mayor House and Councilmember Hasse)

Recommendation: Direct staff to accept the development agreement applications and have an EIR prepared.

The item before the Council is whether there is sufficient interest in the proposal to warrant moving forward with a formal application and preparation of an EIR. The crux of the agreement is the donation of approximately six acres of land to be used

for park and playing fields. The property owner would develop the remaining 18 acres with 8 single family homes.

6. New Business

A. Appointments to the Harry Barovsky Memorial Youth Commission

Staff recommendation: Make appointments to the Commission.

Staff contact: Parks & Recreation Director Adams 317-1364

B. Work Plan for City Lobbyist (Mayor House)

C. Discussion and Selection of Annual Goals for Fiscal Year 2001-2002

Staff recommendation: Approve and/or amend proposed department goals.

Staff contact: Administrative Services Director James 456-2489 ext. 224

Adjournment

<u>Future Meetings</u>			
Mon., May 28, 2001	**	Cancelled due to Holiday	**
Tues., May 29, 2001	6:30 p.m.	Special City Council Meeting	HRL Auditorium
Mon., June 11, 2001	6:30 p.m.	Regular City Council Meeting	HRL Auditorium
Mon., June 25, 2001	6:30 p.m.	Regular City Council Meeting	HRL Auditorium

Guide to the City Council Proceedings

The Oral Communication portion of the agenda is for members of the public to present items which are not listed on the agenda, but are under the subject matter jurisdiction of the City Council. No action may be taken under this section except to direct staff unless the Council, by a two-thirds vote, determines that the need to take action arose after the posting of the agenda or that the item presents an emergency situation for which action is required prior to the next regularly scheduled meeting of the City Council. Although no action may be taken on these non agenda items, the Council and staff will follow up on those items needing response. Each speaker is limited to (3) three minutes. Time may be surrendered by deferring (1) one minute to another speaker, on the same item, not to exceed a total of (8) eight minutes. The speaker wishing to defer time must be present when the item is heard. In order to be recognized and present an item, each speaker must complete and submit to the Recording Secretary a Request to Speak form prior to the beginning of the item being announced by the Mayor (forms are available at the Chamber doors). Speakers are taken in the order slips are submitted.

Items in Consent Calendar Section A have already been considered by the Council at a previous meeting where the public was invited to comment, after which a decision was made. These items are not subject to public discussion at this meeting because the vote taken at the previous meeting was final. Resolutions concerning decisions made at previous meetings are for the purpose of memorializing the decision to assure the accuracy of the findings, the prior vote, and any conditions imposed.

Items in Consent Calendar Section B have not been discussed previously by the Council. If discussion is desired, an item may be removed from the Consent Calendar and will be considered individually. Councilmembers may indicate a negative or abstaining vote on any individual item by so declaring prior to the vote on the motion to adopt the entire Consent Calendar. Items excluded from Consent Calendar will be taken up by the Council following the action on the consent calendar. The Council first will take up the items for which public speaker requests have been submitted. Public speakers are limited to (3) three minutes each. If a speaker slip is submitted late the speaker's time will be limited to (2) minutes. If more than 10 speaker slips are submitted each speaker's time will be limited to (2) two minutes each.

Items set for Public Hearing commence at 7:30 p.m. or as soon thereafter as practicable. At that time the City Council will stop its other proceedings and move directly to Public Hearing items. At the conclusion of Public Hearings the City Council will continue the agenda where it left off. For Public Hearings involving zoning matters the appellant will be given 15 minutes to present their position to the City Council, including rebuttal time. All other testimony shall be limited to (3) three minutes per person and follow the rules as set forth under Oral Communication.

Items in Old Business are items which have appeared on previous agendas but have either been continued or tabled to this meeting with no final action having been taken. Public comment on any item is permitted under the public comment rules. Speakers should address whether they are supportive or opposed to either the recommended action or the motion before the City Council for decision. Items in New Business are items which are appearing for the first time for formal action. Public comment on any item is permitted under the public comment rules. Speakers should address whether they are supportive or opposed to either the recommended action or the motion before the City Council for decision.

Items in City Council Items are items which individual members of the City Council may bring up in terms of reporting to other members of the City Council, to propose future agenda items or to suggest future staff assignments. Items discussed under City Council Items follow the same rules as set forth under Oral Communications in terms of the actions the City Council may take on any item brought up under this portion of the agenda. Each Councilmember's oral item presentations are limited to four minutes. No new items will be taken-up after 10:30 p.m. without a two-thirds vote of the City Council.

City Council meetings are aired on City of Malibu Government Access Channel 15. Broadcasts on Channel 15 occur at 8:00 a.m. and 8:00 p.m Monday, Wednesday and Friday, Tuesday and Thursday at 8:00 p.m., and at 2:00 p.m. on both Saturday and Sundays. Copies of the staff reports or other written documentation relating to each item of business described above are on file in the office of the City Clerk, Malibu City Hall, 23555 Civic Center Way, Malibu, California and are available for public inspection during regular office hours which are 8:30 a.m.

to 5:00 p.m., Monday through Friday. Copies of staff reports may be purchased for \$0.25 per page. Pursuant to State law, this agenda was posted at least 72 hours prior to the meeting at the Malibu City Offices, Malibu Community Center at Point Dume and Malibu Community Library. The City Hall phone number is (310) 456-2489. To contact City Hall using a telecommunication device for the deaf (TDD), please call (800) 735-2929 and a California Relay Service operator will assist you. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Building & Safety Director Victor Peterson, (310) 456-2489, ext. 251. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADD Title II]